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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JAN 30 PM 2:56

January 29, 1991

Jonathan Levin, Counsel
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
6th Floor
Washington, D.C. 20463

Supplement To
AOR 1990-29

Dear Mr. Levin:

This letter is in response to your recent request for additional documentation in support of the advisory opinion request (AOR) of Joseph E. Seagram & Sons, Inc. (Seagram), filed with the Commission on December 21, 1990. As we discussed, attached is the notice from the Arizona Secretary of State regarding the prohibition against the transfer of federal or out-of-state campaign committee funds to campaign committees registered in Arizona which contribute to state and local candidates. The notice is dated August 9, 1990 and was included among required contribution and expenditure forms, a copy of the relevant Arizona statutes and other materials which were sent to campaign committee representatives in Arizona.

At the time the Seagram Arizona committee (JESPAC for Arizona) was formed in late 1989, there was no prohibition against the transfer of funds from out-of-state campaign committees to in-state committees. I researched this issue at the request of Seagram in February, 1989 and this conclusion was confirmed by Ms. Cindy Maloney of the Arizona Office of Secretary of State.

Also enclosed is a copy of the Arizona statutes governing campaign contributions and expenses which were included among the materials mailed to campaign committee representatives by the Secretary of State on August 9, 1990. You will note that there

Jonathan Levin, Counsel
January 29, 1991
Page 2

is no statutory prohibition imposed on the transfer of federal or out-of-state funds to state campaign committees. From a statutory construction standpoint, the absence of any express prohibition is particularly significant in light of Section 16-905-F which expressly prohibits a transfer of funds between committees under different circumstances. This section is highlighted for your convenience.

With respect to the officials with whom we conferred after receiving the notice, we spoke with a State Elections Officer in the Office of Secretary of State and a staff attorney from the Office of Attorney General in Arizona. They confirmed that the new policy barred Seagram from establishing another state political committee and redepositing the funds in question into that account. They also agreed that termination of JESPAC for Arizona would be the most prudent course of action if we did not wish to solicit contributions from Arizona residents.

I hope this information addresses your questions. Please do not hesitate to contact me if you have further questions or require additional information.

Sincerely yours,



Timothy W. Jenkins

TWJ/vle
Enclosures

JIM SHUMWAY
Secretary of State

KARLENE OSBORNE
Asst. Secretary of State



State of Arizona
SECRETARY OF STATE
1700 W. Washington, 7th Floor
Phoenix, Arizona 85007
(602) 542-4285

TO: CAMPAIGN COMMITTEES

FROM: JIM SHUMWAY
Secretary of State

DATE: August 9, 1990

**SUBJECT: PRE-PRIMARY AND POST-PRIMARY STATEMENTS OF CONTRIBUTIONS
AND EXPENDITURES (Arizona Revised Statute, § 16-909)**

Enclosed please find Committee Statement of Contributions and Expenditures forms, Instructions, a Statement of Organization form, and a copy of Arizona Revised Statutes, Title 16, Chapter 6.

Committees which engage in political activity or have a surplus or deficit campaign balance file Pre-primary and Post-primary Statements of Contributions and Expenditures.

The reporting and filing periods for these statements are printed on the front page of the forms. (See REPORTING PERIOD 4.a. and 4.b.) The Pre-primary filing deadline is extended to 5:00 p.m. September 4, the first working day following the deadline.

We have also included a revised Statement of Organization for Campaign Committees. Please complete and return the form to us for the current file.

Your committee identification number assigned by the Secretary of State's office is printed on the envelope label above your name. Please enter your identification number on all the forms you file with our office.

If you have any questions, please call this office at 542-8683.

JIM SHUMWAY
Secretary of State

KAREN OSBORNE
Asst. Secretary of State



State of Arizona
SECRETARY OF STATE
1700 W. Washington, 7th Floor
Phoenix, Arizona 85007
(602) 542-4285

August 9, 1990

INFORMATION FOR CAMPAIGN COMMITTEES
TRANSFERRING FUNDS BETWEEN COMMITTEES

Arizona campaign finance law requires a campaign committee to register with the Secretary of State's office or appropriate filing office prior to collecting or expending money to influence the result of any election in this state.

Federal or out-of-state campaign committees not registered in Arizona cannot transfer or contribute funds to campaign committees registered in Arizona which give to state and local candidates.

Federal campaign committees which register in Arizona must comply with Arizona campaign finance laws, i.e., the committee must report the name and address of ALL persons who contribute \$25 or more.

A candidate or committee under the control of a candidate cannot transfer campaign funds to another candidate or committee under the control of a candidate.

Campaign committees not under the control of a candidate may contribute or transfer funds to other campaign committees not under the control of a candidate. There is no limit to the amount.

**INSTRUCTIONS
STATEMENT OF ORGANIZATION**

A "campaign committee" is defined in A.R.S. § 16-901(1):

Campaign Committee includes the state central committee or state committee of any political party, any county, city, town or precinct committee of any political party or of a candidate, and any association or combination of persons organized, conducted or combined for the purpose of influencing the result of any election in this state or in any county, city, town or precinct in this state, notwithstanding that the association or combination of persons may be part of a larger association or combination of persons not primarily organized, conducted or combined for the purpose of influencing the result of any election in this state or in any county, city, town or precinct in this state.

Each campaign committee must file a registration form as required by A.R.S. § 16-902(B).

An officer or member of the committee or other person acting under its authority or in its behalf shall not receive money or its equivalent or things of value, or expend or promise to expend money on behalf of the committee, until after a chairman and treasurer of the committee have been chosen and the committee files an initial registration form

A campaign committee is required to have both a chairman and treasurer. A candidate may be the chairman of a campaign committee. A.R.S. § 16-902(A).

A.R.S. § 16-902(C) requires that:

The treasurer or his designated representative shall keep a detailed and exact account of all money or its equivalent or things of value received by or promised to the committee or any member of the committee, or received by or promised to any person acting under its authority or in its behalf, and the name of every person from whom received, and of all expenditures, disbursements and promises of payment or disbursement made by the committee, or any member of the committee, or by any person acting under its authority or in its behalf, and to whom paid, distributed or disbursed.

Campaign committees must abide by the contribution limitations of A.R.S. § 16-905. General guidelines for different types of campaign committees are as follows:

CANDIDATE COMMITTEES

- 1) Cannot contribute to another candidate or candidate committee. A.R.S. § 16-905(F).
- 2) Cannot accept contributions in excess of the limits set forth in A.R.S. § 16-905(A) or (B), as adjusted.
- 3) Cannot accept contributions from all campaign committees combined in excess of the limits set forth in A.R.S. § 16-905(C), as adjusted.

POLITICAL PARTIES

- 1) Cannot give contributions to candidates or candidate committees in excess of the limits set forth in A.R.S. § 16-905(A) or (B), as adjusted. Determine whether individual or campaign committee limits apply pursuant to A.R.S. § 16-905(G).
- 2) May accept contributions in any amount.

NON-CANDIDATE COMMITTEES

- 1) Cannot give contributions to candidates or candidate committees in excess of the limits set forth in A.R.S. § 16-905(A) or B, as adjusted. Determine whether individual or campaign committee limits apply pursuant to A.R.S. § 16-905(G).
- 2) Generally, may receive contributions in any amount except to the extent limited by the individual, annual contribution limit set forth in A.R.S. § 16-905(D), as adjusted.

JIM SHUMWAY

Secretary of State

KAREN OSBORNE

Asst. Secretary of State



State of Arizona

SECRETARY OF STATE

1700 W. Washington, 7th Floor

Phoenix, Arizona 85007

(602) 542-4285

February 9, 1989

Pursuant to Arizona Revised Statutes § 16-905.H. also known as Proposition 200, the Secretary of State is required to adjust to the nearest ten dollars the amounts listed in subsections A through E of the statute. The percentage of change is based on the increase in the Metropolitan Phoenix Consumer Price Index as established by the Arizona State University Center for Business Research. The percentage of increase from December, 1986 to December, 1988 was ten percent.

The adjustments to the amounts are as follows in A.R.S. Sections:

| | |
|-------------|--|
| 16-905.A.1. | Amount increases to \$220 from \$200 |
| 16-905.A.2. | Amount increases to \$1,100 from \$1,000 |
| 16-905.B.1. | Amount increases to \$550 from \$500 |
| 16-905.B.2. | Amount increases to \$2,750 from 2,500 |
| 16-905.C. | Amount increases to \$5,500 from \$5,000 |
| 16-905.C. | Amount increases to \$55,000 from \$50,000 |
| 16-905.D. | Amount increases to \$2,200 from \$2,000 |
| 16-905.E. | Amount increases to \$11,000 from \$10,000 |
| 16-905.E. | Amount increases to \$110,000 from \$100,000 |

a/a:905inc

MAXIMUM CONTRIBUTION ALLOWED

| | Individual's contribution to a candidate 16-905.A.1. 16-905.B.1. | Committee's Contribution to a candidate 16-905.A.1. 16-905.B.1. | Committees certified by Secretary of State to give at upper limit 16-905.G. | Combined total from all campaign committees 16-905.C. | Candidate personal contribution or obligation limit* 16-905.E. |
|---|--|---|---|---|--|
| LOCAL OFFICES Candidate OR Authorized Candidate's Committee | \$220 | \$220 | \$1,100 | \$5,500 | \$11,000 |
| STATEWIDE OFFICES Candidate OR Authorized Candidate's Committee | \$550 | \$550 | \$2,750 | \$55,000 | \$110,000 |

Contribution amounts listed became effective 2/89. They are adjusted biennially by the Office of the Secretary of State pursuant to A.R.S. §16-905.H.

Individual's total contributions are limited to \$2,200 in a calendar year.

*If a candidate exceeds these limits, he shall, within 24 hours, give written notice of the fact to the Secretary of State and all other candidates for the same office. Limits are then lifted from those local candidates until they reach the \$11,000 figure and for statewide candidates until they raise \$110,000.

ARIZONA REVISED STATUTES

**TITLE 16, CHAPTER 6
CAMPAIGN CONTRIBUTIONS
AND EXPENSES**



Issued
by

**JIM SHUMWAY
SECRETARY OF STATE**

March 1988

**ARIZONA REVISED STATUTES
TITLE 16**

CHAPTER 6

CAMPAIGN CONTRIBUTIONS AND EXPENSES

ARTICLE 1. GENERAL PROVISIONS

Section

- 16-901. Definitions.
- 16-902. Committees; selection of officers and registration as prerequisite to receipts and expenditures by committees; duties of committee treasurer; violation; classification.
- 16-903. Preservation of receipts of payments and disbursements.
- 16-904. Report to committee treasurer of monies received; record of treasurer.
- 16-905. Contribution limitations; violations; classifications; complaint; definitions.
- 16-906. Repealed.
- 16-907. Statements of contributions and expenditures by candidates at primary elections; time of filing; exemption.
- 16-908. Free broadcast time; statement of contributions and expenditures by campaign committee.
- 16-909. Statements of contributions and expenditures by campaign committee at primary elections; time of filing.
- 16-910, 16-911. Blank
- 16-912. False reports; classification; penalties.
- 16-913. Statement of contributions and expenditures by candidate at general or special election; time of filing; exemption.
- 16-914. Statement of contributions and expenditures by campaign committee at general or special elections; time of filing.
- 16-915. Contents of statements of contributions and expenditures.
- 16-915.01. Follow-up statement of contributions and expenditures; disposal of surplus funds; statement of disposition of surplus; forms.
- 16-916. Filing statements of contributions and expenditures; public inspection.
- 16-917. Filing financial statements by continuing political organizations.
- 16-918. Failure to make and file or failure to sign and swear to statement of contributions and expenditures; prohibition on campaigning; classification; penalties.
- 16-919. Prohibition of contributions by corporations or labor organizations; classification; definitions.
- 16-919.01, 16-919.02. Renumbered.
- 16-920. Permitted expenditures by corporations and labor organizations.
- 16-921. Unlawful contributions by corporations and labor organizations from a fund; procedures.
- 16-922. Repealed.
- 16-923. Volunteering services for expected compensation; classification.
- 16-924. Violations; classification.

ARTICLE 1. GENERAL PROVISIONS

§16-901. Definitions.

In this chapter, unless the context otherwise requires:

1. "Campaign committee" includes the state central committee or state committee of any political party, any county, city, town or precinct committee of any political party or of a candidate, and any association or combination of persons organized, conducted or combined for the purpose of influencing the result of any election in this state or in any county, city, town or precinct in this state, notwithstanding that the association or combination of persons may be part of a larger association or combination of persons not primarily organized, conducted or combined for the purpose of influencing the result of any election in this state or in any county, city, town or precinct in this state.

2. "Closing reporting date" means the last day that must be included on a statement of contributions and expenditures filed pursuant to this article. The closing reporting date for such statements filed before a primary, general or special election is twenty days before the election. The closing reporting date for such statements filed after a primary election is ten days after the primary election and twenty days after a general or special election.

3. "Expenditures" does not include an expenditure for a written communication by an elected official with his constituents incurred before the sixtieth day preceding the election or for personal or travel expenses not paid for from campaign funds.

4. "Itemized" means that a class of like expenditures or contributions is stated under one item and that separate classes of expenditures or contributions are stated separately.

5. "Opening reporting date" means:

(a) For statements of contributions and expenditures relating to candidates, including a judge who seeks to be retained in office, the date on which the first previously unreported contribution or expenditure is received or made relating to the election or the first day following the closing reporting date of the last statement of contributions and expenditures filed pursuant to this article.

(b) For statements of contributions and expenditures relating to initiatives and referendums or any other measure or proposition appearing on a ballot, the date on which the first contribution or expenditure is received or made either after the secretary of state, the clerk of the board of supervisors or the city or town clerk, as appropriate, assigns a number to the initiative or referendum petition or ballot measure or proposition as provided in §§ 19-111, 19-141 and 19-144 or after the legislature refers a measure or proposed amendment of the constitution or a city or town council refers a charter amendment or the first day following the closing reporting date of the last statement of contributions and expenditures filed pursuant to this article.

6. "Political activity" includes the printing and circulation of nomination petitions of candidates and of initiative or referendum petitions.

7. "Promise" includes any promise, present or future, whether or not evidenced in writing.

§16-902. Committees; selection of officers and registration as prerequisite to receipts and expenditures by committees; duties of committee treasurer; violation; classification.

A. Each campaign committee shall have a chairman and treasurer. A candidate may be chairman of a campaign committee.

B. An officer or member of the committee or other person acting under its authority or in its behalf shall not receive money or its equivalent or things of value, or expend or promise to expend money on behalf of the committee, until after a chairman and treasurer of the committee have been chosen and the committee files an initial registration form with the secretary of state if for a state measure or office including the legislature, with the clerk of the board of supervisors if for a county measure or office, or with the city or town clerk if for a city or town measure or office.

C. The treasurer or his designated representative shall keep a detailed and exact account of all money or its equivalent or things of value received by or promised to the committee or any member of the committee, or received by or promised to any person acting under its authority or in its behalf, and the name of every person from whom received, and of all expenditures, disbursements and promises of payment or disbursement made by the committee, or any member of the committee, or by any person acting under its authority or in its behalf, and to whom paid, distributed or disbursed.

D. A person who violates a provision of this section is guilty of a class 1 misdemeanor.

§ 16-903. Preservation of receipts of payments and disbursements.

A. Every payment or disbursement by a candidate or campaign committee exceeding ten dollars which relates to the election except for personal or travel expenses not paid for from campaign funds shall be evidenced by a receipted bill stating the particulars of expense, and every such record, voucher, receipt or account shall be preserved by the committee for fifteen months after the election to which it relates.

B. Upon request of the attorney general or the secretary of state, a candidate or a campaign committee shall provide an itemized list of the disbursements and the records, vouchers, receipts or accounts to support an expenditure shown in its statements required to be filed under §§ 16-907, 16-909, 16-913, 16-914 and 16-915.01.

§ 16-904. Report to committee treasurer of monies received; record of treasurer.

A. A person acting under the authority or in behalf of a campaign committee who receives any contribution, payment, loan, gift, advance, deposit or promise of money or its equivalent or things of value shall within five days after receipt of the contribution, payment, loan, gift, advance, deposit or promise, render to the treasurer or his designated representative of the campaign committee a detailed account thereof, together with the name and address of the person from whom received, which the treasurer or his designated representative shall forthwith enter in a record kept by him for that purpose.

B. On request of the attorney general or the secretary of state, a candidate or a campaign committee shall provide all records or accounts to support any contribution shown in its statements required to be filed under §§ 16-907, 16-909, 16-913, 16-914 and 16-915.01.

§ 16-905. Contribution limitations; violations; classifications; complaint; definitions.

A. For an office other than a statewide office, a contributor shall not give and a candidate shall not accept contributions of more than:

1. Two hundred dollars from an individual.
2. One thousand dollars from a single campaign committee.

B. For a statewide office, a contributor shall not give and a candidate shall not accept contributions of more than:

1. Five hundred dollars from an individual.
2. Two thousand five hundred dollars from a single campaign committee.

C. A candidate shall not accept contributions from all campaign committees combined totaling more than five thousand dollars for an office other than a statewide office, or fifty thousand dollars for a statewide office.

D. An individual shall not make contributions totaling more than two thousand dollars in a calendar year to state and local candidates, campaign committees contributing to state or local candidates, and campaign committees advocating the election or defeat of state or local candidates. Contributions to political parties are exempt from the limitations of this subsection.

E. If a candidate contributes or obligates more than ten thousand dollars of his own money to a campaign for an office other than a statewide office, or one hundred thousand dollars for a statewide office, the candidate shall, within twenty-four hours, give written notice of the fact to the secretary of state and all other candidates for the same office. From that time until they exceed these amounts, other candidates for the same office are not subject to the limitations of subsections A, B and C.

F. A candidate or campaign committee under the control of a candidate shall not contribute or transfer funds to another candidate or another campaign committee under the control of a candidate.

G. Only campaign committees that received funds from five hundred or more individuals in amounts of ten dollars or more in the one year period preceding the last closing reporting date may make contributions to candidates under subsection A, paragraph 2 and subsection B, paragraph 2. The secretary of state shall obtain information necessary to make the determination that a committee meets the requirements of this subsection and shall provide written certification of the fact to the committee. A candidate shall not accept a contribution pursuant to this subsection unless accompanied by a copy of the certification. All campaign committees that do not meet the requirements of this subsection are subject to the individual campaign contribution limits of subsection A, paragraph 1 and subsection B, paragraph 1.

H. The secretary of state shall, biennially, adjust to the nearest ten dollars the amounts in subsection A through E by the percentage change in the metropolitan Phoenix consumer price index, as defined in § 43-251, and publish the new amounts for distribution to election officials, candidates and campaign committees.

I. The following specific limitations and procedures apply;

1. The limits of subsections A through E apply cumulatively to the entire primary and general election campaign for any office or offices which the candidate seeks, from the opening reporting date to the closing reporting date of the campaign, as defined in § 16-901. A candidate who has received prior contributions from an individual or a campaign committee during a campaign shall show in each report the cumulative total received from that source.

2. The limits of subsection A, paragraph 2, and subsection B, paragraph 2 apply to the total contributions from all separate segregated funds established, as provided in § 16-920, by a corporation, labor organization, trade association, cooperative or corporation without capital stock.

3. A contribution by a minor child shall be treated as a contribution by his parents for determining compliance with subsection A, paragraph 1, subsection B, paragraph 1 and subsection D.

4. A contribution to two or more candidates shall be apportioned equally between or among the candidates for determining compliance with subsections A, B and C.

5. A candidate shall sign and file with his nominating petition a statement that he has read and understands all applicable laws relating to campaign financing and reporting.

6. An individual or campaign committee shall not make a contribution to a candidate through another individual or campaign committee, use economic influence to induce members of an organization to make contributions to a candidate, collect contributions from members of an organization for transmittal to a candidate, make payments to candidates for public appearances or services which are ordinarily uncompensated or use any similar device to circumvent the intent of this section.

J. A knowing violation of any provision of this section is a class 1 misdemeanor. An unknowing violation carries civil penalty of up to three times the amount of the illegal contribution.

K. On conviction of a knowing violation of any provision of this section, the court shall pronounce judgment that the candidate be immediately removed from office.

L. Any qualified elector may file a sworn complaint with the attorney general or the county attorney of the county in which a violation of this section is believed to have occurred, and the attorney general or the county attorney shall investigate the complaint for possible criminal or civil action.

M. If the attorney general or county attorney fails to institute an action within forty-five working days after receiving a complaint under subsection L, then the individual filing the complaint may bring a civil action in his own name and at his own expense, with the same effect as if brought by the attorney general or county attorney. The individual shall execute a bond payable to the defendant if the individual fails to prosecute the action successfully. The court shall award to the prevailing party costs and reasonable attorney fees.

N. A county, city or town may adopt campaign contribution provisions that are stricter than those provided for in this section.

O. In this section:

1. "Candidate" means an individual who receives or gives consent for receipt of a contribution for his nomination for or election to any office in this state other than a federal office. Candidate includes a personal campaign committee designated or authorized by the individual to receive contributions or make expenditures on his behalf.

2. "Contribution" means money or the fair market value of anything directly or indirectly given or loaned for the purpose of influencing an election of a candidate in this state except:

- (a) Uncompensated personal services performed by volunteer campaign workers.
- (b) Personal travel expenses incurred by an individual without direct or indirect reimbursement.
- (c) Food and beverages donated by an individual and not exceeding one hundred dollars in value during a calendar year.

Contribution includes any expenditure made by an individual or campaign committee with the cooperation or consultation of a candidate, or in concert with or at the request or suggestion of a candidate.

3. "Political party" means a nationally recognized organization which nominates a candidate whose name appears on a ballot as a candidate of the organization.

4. "Statewide office" means the office of governor, secretary of state, state treasurer, attorney general, superintendent of public instruction, corporation commissioner or mine inspector.

P. If a provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

§ 16-906. Repealed by Laws 1985, Ch. 292, § 7

§ 16-907. Statements of contributions and expenditures by candidates at primary elections; time of filing; exemption.

A. Each candidate in a primary election for nomination for a public office other than precinct committeeman shall file, not more than fifteen nor less than ten days prior to and not more than twenty days after the primary election, an itemized and detailed statement of contributions and expenditures as provided in § 16-915 received by him or by anyone for him with his knowledge or consent or made by him or by anyone for him with his knowledge and consent other than a campaign committee registered pursuant to § 16-902 in support or furtherance of his candidacy.

B. The opening reporting date and the closing reporting date for each statement required by this section are as determined pursuant to § 16-901.

C. The candidate shall sign and swear to all statements required by this section.

D. A candidate is exempt from filing any statement required by this section if the candidate files a statement signed and sworn to by the candidate certifying that he received no contributions and made no expenditures except through his campaign committee during the period covered by the statement of contributions and expenditures for which he is filing the statement certifying his exemption. The candidate shall further certify that his campaign committee is properly registered pursuant to § 16-902, subsection B and that the required campaign committee statement of contributions and expenditures for that period has been, or will be, filed by the required deadline.

§ 16-908. Free broadcast time; statement of contributions and expenditures by campaign committee.

Each campaign committee which engages in activity in support of or opposition to an initiative or referendum and receives free radio or television broadcast time under the fairness doctrine as prescribed in 47 United States Code § 315 shall show the broadcast time as a contribution of a thing of value and the fair market value of the broadcast time in the itemized and detailed statement of contributions and expenditures it files as provided in §§ 16-909, 16-914 and 16-915.01. The reporting requirements prescribed by this section do not apply to bona fide news, interview programming or spot news coverage of issues of public importance.

§ 16-909. Statements of contributions and expenditures by campaign committee at primary elections; time of filing.

A. Each campaign committee which engages in political activity in behalf of or against a candidate, including a judge who seeks to be retained in office in the next general election, or in support of or opposition to an initiative or referendum or any other measure or proposition appearing on a ballot to be voted on at the primary or next general election and collects or expends any money or valuable thing in connection therewith shall file, not more than fifteen nor less than ten days prior to

and not more than twenty days after the primary election, an itemized and detailed statement of contributions and expenditures as provided in § 16-915.

B. The opening reporting date and the closing reporting date for each statement required by this section are as determined pursuant to § 16-901.

C. All statements required by this section shall be signed and sworn to by the chairman and treasurer of each campaign committee.

§ 16-910, 16-911. Blank.

§ 16-912. False reports; classification; penalties.

A person who makes any statement required by this article, and therein knowingly misrepresents or misstates or knowingly fails to fully disclose the facts as to any contribution, loan or promise received or any expenditure made and required to be reported in this article is guilty of a class 6 felony. If the person is a candidate his name shall not appear upon the primary, general or special election ballot. If the primary ballot is printed before conviction, such person's name shall not appear upon the ballot at the ensuing general election, and if the general or special election ballot is printed before conviction, he shall be denied the right to hold office, if elected. If elected to an office in the general or special election, he shall not hold the office.

§ 16-913. Statement of contributions and expenditures by candidate at general or special election; time of filing; exemption.

A. Each candidate for election at any general or special election to a state, county, city, town, school district or community college district office shall, not more than fifteen nor less than ten days prior to and not more than thirty days after the general or special election, file an itemized and detailed statement of contributions and expenditures as provided in § 16-915, received by him, or by anyone for him with his knowledge or consent or made by him or by anyone for him with his knowledge and consent or made by him or by anyone for him with his knowledge and consent other than a campaign committee registered pursuant to § 16-902, in support or furtherance of his candidacy.

B. The opening reporting date and the closing reporting date for each statement required by this section are as determined pursuant to § 16-901.

C. The candidate shall sign and swear to all statements required by this section.

D. A candidate is exempt from filing any statement required by this section if the candidate files a statement signed and sworn to by the candidate certifying that he received no contributions and made no expenditures except through his campaign committee during the period covered by the statement of contributions and expenditures for which he is filing the statement certifying his exemption. The candidate shall further certify that his campaign committee is properly registered pursuant to § 16-902, subsection B and that the required campaign committee statement of contributions and expenditures for that period has been, or will be, filed by the required deadline.

§ 16-914. Statement of contributions and expenditures by campaign committee at general or special elections; time of filing.

A. Each campaign committee which engages in political activity in behalf of or against a candidate, including a judge who seeks to be retained in office, or in support of or opposition to an initiative or referendum or any other measure or proposition appearing on a ballot and collects or expends money or valuable things in connection therewith shall, not more than fifteen nor less than ten days prior to and not more than thirty days after any general or special election, file an itemized and detailed statement of contributions and expenditures as provided in § 16-915.

B. The opening reporting date and the closing reporting date for each statement required by this section are as determined pursuant to § 16-901.

C. All statements required by this section shall be signed and sworn to by the chairman and the treasurer of each campaign committee.

§ 16-915. Contents of statements of contributions and expenditures.

A. The statements of contributions and expenditures required by §§ 16-907, 16-909, 16-913, 16-914 and 16-915.01 shall show:

1. The name and address of each person who has contributed, promised, loaned or advanced to the candidate or campaign committee or any officer, member or agent thereof, either in one or more items, money or things which have a monetary value of more than twenty-five dollars together with an itemized list of these contributions, promises, loans or advances.

2. The aggregate sum contributed, promised, loaned or advanced to the candidate or campaign committee or to any officer, member or agent thereof, in amounts of twenty-five dollars or less.

3. The total sum of all contributions, promises, loans and advances received by the candidate or campaign committee or any officer, member or agent thereof.

4. A standard type of financial statement with distributions, disbursements, contributions, promises, loans and advances of any form of money or its equivalent, or thing of value, grouped and summarized by category, in accordance with generally accepted accounting principles and standards.

5. An itemized account of all monies and things of value disbursed, distributed, expended, used or contributed, promised, loaned or advanced by the candidate or campaign committee, together with the name and address of each person, corporation or business to whom such disbursements, distributions, expenditures, contributions, promises, loans or advances were made.

6. The total sum disbursed, distributed, expended, used or contributed, promised, loaned or advanced by the candidate or campaign committee or any officer, member or agent thereof.

7. Any surplus or deficit remaining from a previous campaign reflected in the beginning balance of a statement of contributions and expenditures.

B. The statements of contributions and expenditures and certificates of exemption shall be made on forms prepared and printed by the secretary of state, who shall forward a sufficient supply to the clerk of the board of supervisors or city or town clerk of each county, city or town in which an election is to be held.

C. All statements of contributions and expenditures and certificates of exemption shall be on forms prescribed by the secretary of state as provided in this article and subject to the approval of the attorney general.

§ 16-915.01. Follow-up statement of contributions and expenditures; disposal of surplus funds; statement of disposition of surplus; forms.

A. A candidate or campaign committee which receives or makes any campaign contributions or expenditures subsequent to the closing date for the post-election statements provided for under §§ 16-907, 16-909, 16-913 and 16-914, which would otherwise be reported pursuant to such sections, shall file a statement of contributions and expenditures on or before April 1 of each year until a disposition of all contributions and expenditures is made pursuant to subsection B of this section or no contributions or expenditures are made or received which have not been previously reported. The closing reporting date of the statement of collections and expenditures due on or before April 1 is December 31 of the year preceding the April 1 deadline.

B. A candidate or campaign committee may dispose of surplus funds as follows:

1. Retain surplus funds for use in a subsequent political campaign.

2. Return surplus funds to the contributor to the extent records are available permitting such return and donate any remaining funds to the county or state committee of the political party of which the candidate is a member.

3. Donate the surplus funds to a charitable organization or to the county or state committee of the political party of which the candidate is a member.

4. In the case of a campaign committee, donate such surplus funds to a charitable organization or to a political candidate as a contribution for use in a political campaign or for the repayment of loans for political campaign expenses.

5. Dispose of the surplus funds in any other lawful manner.

C. A statement that a candidate or a candidate's committee has determined to dispose of surplus funds pursuant to subsection B of this section may be appended to the post-election statement of contributions and expenditures or any subsequent follow-up statement. The statement shall include an exact account of all expenditures and to whom paid,

distributed or expended. No other statement need thereafter be filed unless additional contributions or expenditures are received or made.

§ 16-916. Filing statements of contributions and expenditures; public inspection.

A. The statements in this article required to be filed shall be filed in the office of the secretary of state for candidates for state offices and members of the legislature, for justices of the supreme court, for judges of the court of appeals and for a statewide initiative or referendum or any measure or proposition appearing on a state general election ballot, with the clerk of the board of supervisors for candidates for county offices and community college district governing board members, for judges of the superior court seeking retention and for a county initiative or referendum or any measure or proposition appearing on a county election ballot, with the city or town clerk for candidates for city or town offices and for a city or town initiative or referendum or any measure or proposition appearing on a city or town election ballot, and with the county school superintendent for candidates for school district governing board members.

B. The statements required to be filed under §§ 16-907, 16-909, 16-913, 16-914 and 16-915.01 shall be filed and preserved by the officer with whom filed and twenty-four hours after filing are subject to inspection and publication.

§ 16-917. Filing financial statements by continuing political organizations.

A. All continuing political organizations which expend money for political purposes shall submit to the secretary of state by April 1 of each calendar year an itemized financial statement prepared by a public or certified public accountant or by the treasurer of the political organization. When prepared by the treasurer, the statement shall bear the seal of a notary public.

B. The closing reporting date of the financial statement submitted as provided in subsection A shall be December 31 of the year preceding the April 1 deadline.

§ 16-918. Failure to make and file or failure to sign and swear to statement of contributions and expenditures; prohibition on campaigning; classification; penalties.

A. A person who knowingly refuses or fails to make and file any statement of contributions and expenditures required by this article within the time specified is guilty of a class 1 misdemeanor, and if such person is a candidate, any such candidate's name shall not appear upon the ballot. If the ballot is printed before conviction, he shall be denied the right to hold office, if elected.

B. A campaign committee which fails or refuses to file any statement of contributions and expenditures required by this article within the time specified, or any officer or member of the committee or any other person acting under the authority of the committee or in its behalf, shall not engage in political activity or receive money or its equivalent or things of value or expend or promise to expend money or its equivalent or things of value on behalf of the committee until the statement is filed.

C. A person who knowingly fails or refuses to sign and swear to any statement filed pursuant to this article is guilty of a class 1 misdemeanor.

D. A candidate who within the preceding five years knowingly refused or failed to make and file any statement of contributions and expenditures required by this article shall not offer himself for nomination or election to any salaried local or state office. For the purpose of this subsection, a failure by a candidate to file any statement of contributions and expenditures required by this article within thirty days of receiving a second written notification by the officer with whom the statement is to be filed of his failure to file the statement is deemed a knowing failure to file.

§ 16-919. Prohibition of contributions by corporations or labor organizations; classification; definitions.

A. It is unlawful for a corporation organized or doing business in the state to make any contribution of money or anything of value for the purpose of influencing an election.

B. It is unlawful for a labor organization organized or doing business in the state to make any contribution of money or anything of value for the purpose of influencing an election.

C. A corporation or labor organization which violates this section is guilty of a class 2 misdemeanor.

D. The person through whom the violation is effected is guilty of a class 6 felony.

E. For the purposes of this section, "labor organization" means any organization of any kind or any agency or employee representation committee or plan in which employees participate and which exists for the purpose in whole or in part of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

F. For the purposes of this section, "employer" includes any person acting as an agent of an employer, directly or indirectly.

G. For the purposes of this section, "employee" shall include any employee, shall not be limited to the employees of a particular employer, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice.

H. For purposes of this section, "election" means any election to any political office, any election to any political convention or caucus, or any primary election held for the purpose of selecting any candidate, political committee or other person for any political office, convention or caucus.

§§ 16-919.01, 16-919.02. Renumbered as §§ 16-920, 16-921.

§ 16-920. Permitted expenditures by corporations and labor organizations.

A. Expenditures for the following purposes shall not be construed to be political contributions prohibited by law:

1. Communications by a corporation to its stockholders and executive or administrative personnel and their families, or by a labor organization to its members and their families, on any subject.

2. Nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families or by a labor organization aimed at its members and their families.

3. The establishment, administration and solicitation of voluntary contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, trade association, cooperative or corporation without capital stock.

4. Contributions for use to support or oppose an initiative or referendum measure or amendment to the constitution.

B. A membership organization, trade association, cooperative or corporation without capital stock may engage in the activities permitted in paragraphs 1 and 2 of subsection A if such activities are directed toward its members, stockholders or members of its members, its and its members' executive or administrative personnel, and their families.

§ 16-921. Unlawful contributions by corporations and labor organizations from a fund; procedures.

A. It is unlawful under any fund established by a corporation or labor organization pursuant to § 16-920, subsection A, paragraph 3:

1. For such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals or the threat of force, job discrimination or financial reprisal or by dues, fees or other monies required as a condition of membership in a labor organization or as a condition of employment or by monies obtained in any commercial transaction.

2. For any person soliciting an employee for a contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation.

3. For any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal.

B. Except as provided in subsections C and D of this section it is unlawful for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund from any person other than its stockholders and their families and its executive or administrative personnel and their families and for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families.

C. A corporation or a separate segregated fund established by such corporation may make no more than two written solicitations for contributions during the calendar year from any employee who is not a stockholder or executive or administrative personnel of such corporation or the families of such persons. A solicitation under this subsection may be made only by mail addressed to employees who are not stockholders or executive or administrative personnel at their residence and shall be so designed that the corporation or separate segregated fund conducting such solicitation cannot determine who makes a contribution of twenty-five dollars or less as a result of such solicitation and who does not make such a contribution.

D. A labor organization or a separate segregated fund established by such labor organization may make no more than two written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel or employee of a corporation who is not a union member, or the families of such persons, if such labor organization represents members working for such corporation. A solicitation under this subsection may be made only by mail addressed to such stockholders, executive or administrative personnel or employees who are not union members at their residences and shall be so designed that the labor organization or separate segregated fund conducting such solicitation cannot determine who makes a contribution of twenty-five dollars or less as a result of such solicitation and who does not make such a contribution.

E. This section shall not prevent a membership organization, cooperative or corporation without capital stock, or a separate segregated fund established by a membership organization, cooperative or corporation without capital stock, from soliciting contributions to such a fund from members of such organization, cooperative or corporation without capital stock.

F. This section shall not prevent a trade association, or a separate segregated fund established by a trade association, from soliciting contributions from the stockholders and executive or administrative personnel of the member corporations of such trade association and the families of such stockholders or personnel.

G. Notwithstanding any provision of law to the contrary, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members.

H. Any corporation, including its subsidiaries, branches, divisions and affiliates, that utilizes a method of soliciting voluntary contributions or facilitating the making of voluntary contributions shall make available such method, on written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby, to a labor organization representing any members working for such corporation, its subsidiaries, branches, divisions and affiliates.

I. For purposes of this section, the term "executive or administrative personnel" means individuals employed by a corporation who are paid on a salary, rather than hourly, basis and who have policymaking, managerial, professional or supervisory responsibilities.

§ 16-922. Repealed by Laws 1986, Ch. 376, § 25.

§ 16-923. Volunteering services for expected compensation; classification.

A person who voluntarily and unsolicitedly offers to work for and assist or in any manner voluntarily contributes to the nomination or election of a candidate or other person to any office in the state with the intent of having such candidate or person pay or in any manner compensate the person so offering such work or services is guilty of a class 2 misdemeanor unless another classification is specifically prescribed in this title.

§ 16-924. Violations; classification.

Any violation of this article is a class 2 misdemeanor unless another classification is specifically prescribed in this article.

§16-901. Definitions.

In this chapter, unless the context otherwise requires:

1. "Campaign committee" includes the state central committee or state committee of any political party, any county, city, town or precinct committee of any political party or of a candidate, and any association or combination of persons organized, conducted or combined for the purpose of influencing the result of any election in this state or in any county, city, town or precinct in this state, notwithstanding that the association or combination of persons may be part of a larger association or combination of persons not primarily organized, conducted or combined for the purpose of influencing the result of any election in this state or in any county, city, town or precinct in this state.
2. "Closing reporting date" means the last day that must be included on a statement of contributions and expenditures filed pursuant to this article. The closing reporting date for such statements filed before a primary, general or special election is twenty days before the election. The closing reporting date for such statements filed after a primary election is ten days after the primary election and twenty days after a general or special election.
3. "Expenditures" does not include an expenditure for a written communication by an elected official with his constituents incurred before the sixtieth day preceding the election or for personal or travel expenses not paid for from campaign funds.
4. "Itemized" means that a class of like expenditures or contributions is stated under one item and that separate classes of expenditures or contributions are stated separately.
5. "Opening reporting date" means:
 - (a) For statements of contributions and expenditures relating to candidates, including a judge who seeks to be retained in office, the date on which the first previously unreported contribution or expenditure is received or made relating to the election or the first day following the closing reporting date of the last statement of contributions and expenditures filed pursuant to this article.
 - (b) For statements of contributions and expenditures relating to initiatives and referendums or any other measure or proposition appearing on a ballot, the date on which the first contribution or expenditure is received or made either after the secretary of state, the clerk of the board of supervisors or the city or town clerk, as appropriate, assigns a number to the initiative or referendum petition or ballot measure or proposition as provided in §§ 19-111, 19-141 and 19-144 or after the legislature refers a measure or proposed amendment of the constitution or a city or town council refers a charter amendment or the first day following the closing reporting date of the last statement of contributions and expenditures filed pursuant to this article.
6. "Political activity" includes the printing and circulation of nomination petitions of candidates and of initiative or referendum petitions.
7. "Promise" includes any promise, present or future, whether or not evidenced in writing.

§16-905.O. Definitions. In this section:

1. "Candidate" means an individual who receives or gives consent for receipt of a contribution for his nomination for or election to any office in this state other than a federal office. Candidate includes a personal campaign committee designated or authorized by the individual to receive contributions or make expenditures on his behalf.
2. "Contribution" means money or the fair market value of anything directly or indirectly given or loaned for the purpose of influencing an election of a candidate in this state except:
 - (a) Uncompensated personal services performed by volunteer campaign workers.
 - (b) Personal travel expenses incurred by an individual without direct or indirect reimbursement.
 - (c) Food and beverages donated by an individual and not exceeding one hundred dollars in value during a calendar year.

Contribution includes any expenditure made by an individual or campaign committee with the cooperation or consultation of a candidate, or in concert with or at the request or suggestion of a candidate.

3. "Political party" means a nationally recognized organization which nominates a candidate whose name appears on a ballot as a candidate of the organization.
4. "Statewide office" means the office of governor, secretary of state, state treasurer, attorney general, superintendent of public instruction, corporation commissioner or mine inspector.